



1313 North Market Street
P.O. Box 951
Wilmington, DE 19899-0951
302 984 6000
www.potteranderson.com

David E. Moore
Partner
Attorney at Law
dmoore@potteranderson.com
302 984-6147 Direct Phone
302 658-1192 Firm Fax

March 17, 2021

VIA ELECTRONIC FILING

The Honorable Richard G. Andrews
United States District Court
J. Caleb Boggs Federal Building
844 N. King Street
Wilmington, DE 19801-3555

Re: Dasso Int'l, Inc. et al. v. MOSO et al., Case No. 17-1574-RGA

Dear Judge Andrews:

I write on behalf of Defendants to respectfully request that the Court postpone the pretrial and trial dates in this matter due to travel restrictions in place as a result of the coronavirus pandemic. A pretrial conference is presently scheduled for March 26, 2021, with a 5-day jury trial set to commence on May 3, 2021. The parties conferred, and Plaintiffs do not oppose Defendants' request to postpone the pretrial and trial dates.

In addition to concerns about the safety and practicality of conducting a jury trial under the current circumstances, travel by two of Defendants' witnesses for trial is presently impractical. Rene Zaal, one of Defendants' fact witnesses, as well as other representatives from Defendant MOSO International, B.V. ("MOSO International"), are citizens of, and domiciled in, the Netherlands. Under a Presidential Proclamation dated January 25, 2021, non-citizens of the United States cannot enter into the country if they have been in a country located in the Schengen Area of Europe, which includes the Netherlands. Ex. 1. Given the so-called "third wave" of COVID-19 infections in Europe, and recent issues concerning vaccines being used in Europe, it appears highly unlikely that the President's travel restrictions will be lifted before the end of April. Additionally, Defendants' technical expert, Dr. Felix Böck, is a German citizen domiciled in Canada. As such, Dr. Böck faces at least a 7-day quarantine upon entry into the United States and a 14-day, hotel-based quarantine upon his return to Canada. Ex. 2, Ex. 3. Accordingly, neither Mr. Zaal nor Dr. Böck (nor Defendants' Dutch-based representatives) can reasonably travel to Delaware for trial as presently scheduled.

Given these impediments to travel, Defendants respectfully request that the pretrial conference and trial be postponed to the fall of 2021, if convenient for the Court. This continuance will also provide additional time to resolve the pending motions, which the Court recently referred to Magistrate Judge Thyng (D.I. 312), that could significantly alter the number of claims and issues of fact and law to be resolved at trial. *See* D.I. 239, 240, 243, 248, 295, 295.

Counsel are available at the Court's convenience if Your Honor would like to discuss this request.

The Honorable Richard G. Andrews

March 17, 2021

Page 2

Respectfully,

/s/ David E. Moore

David E. Moore

DEM:nmt/71286123/44587

Enclosures

cc: Counsel of Record (via electronic mail)